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PATENT TRADEMARK OFFICE

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PATENT

Attorney Docket No. 08888.0517

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Francis BLANCHE *et al.* )  
Application No.: 09/970,663 ) Group Art Unit: 1635  
Filed: October 5, 2001 ) Examiner: B. Whiteman  
For: COMPOSITION FOR THE )  
PRESERVATION OF )  
INFECTIOUS RECOMBINANT )  
ADENOVIRUSES )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after a non-final Office Action and is accompanied by a fee of \$180.00 as specified under § 1.17(p) and § 1.97(c). Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Copies of the listed documents, including any copending patent applications, are attached. The listed documents are all cited in the specification at pages 1-3. The French-language PCT publication WO 98/02522 is described at page 1, line 24, to page 2, line 4.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2003

By: 

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